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2 **UNITED STATES DISTRICT COURT**
3 **FOR THE NORTHERN DISTRICT OF OHIO**

4 KATINA MARTIN,) **Case No.:**
5)
6 **Plaintiff,**)
7 **v.**)
8 REGIONAL ACCEPTANCE) **JURY TRIAL DEMANDED**
9 CORPORATION,)
10 **Defendant.**)
11 _____)

12 **COMPLAINT**

13 KATINA MARTIN (“Plaintiff”), by and through her attorneys, KIMMEL &
14 SILVERMAN, P.C., alleges the following against REGIONAL ACCEPTANCE
15 CORPORATION (“DEFENDANT”):
16

17 **INTRODUCTION**

18
19 1. Plaintiff’s Complaint is based on the Telephone Consumer Protection
20 Act, 47 U.S.C. §227 *et seq.*
21

22 **JURISDICTION AND VENUE**

23 2. Jurisdiction of this Court arises pursuant to 15 U.S.C. §1692k(d),
24 which states that such actions may be brought and heard before “any appropriate
25 United States district court without regard to the amount in controversy,” and 28

1 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising
2 under the laws of the United States.

3 3. Defendant regularly conducts business in the State of Ohio, thus,
4 personal jurisdiction is established.

5 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

6
7 **PARTIES**

8 5. Plaintiff is a natural person residing in Canton, Ohio 44708.

9 6. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153 (39).

10 7. Defendant is a corporation with its principal place of business located
11 at 1424 East Fire Tower Road, Greenville, North Carolina 27858.

12 8. Defendant is a “person” as that term is defined by 47 U.S.C. §
13 153(39).

14 9. Defendant acted through its agents, employees, officers, members,
15 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
16 representatives, and insurers.

17
18 **FACTUAL ALLEGATIONS**

19 10. Plaintiff has a cellular telephone number.

20 11. Plaintiff has only used this number as a cellular telephone number.

21 12. Beginning in February 2016, Defendant called Plaintiff on her
22 cellular telephone, on average, multiple times per day in its attempts to collect the
23

1 alleged debt.

2 13. When contacting Plaintiff on her cellular telephone, Defendant used
3 an automatic telephone dialing system.
4

5 14. The automated calls would include a pre-recorded voice or message
6 from Defendant.

7 15. Defendant's telephone calls were not made for "emergency purposes;"
8 rather, Defendant was attempting to collect a balance remaining on Plaintiff's auto
9 loan.
10

11 16. Plaintiff spoke with Defendant's representatives in February 2016 and
12 revoked any consent that Defendant may have had to contact her.

13 17. Defendant heard an acknowledged Plaintiff's request to stop the calls
14 by responding, "We will continue to call to collect the debt until it's paid."
15

16 18. Plaintiff told Defendant to stop calling her several times after February
17 2016.
18

19 19. Once Defendant was aware that its calls were unwanted, its continued
20 calls could have served no other purpose besides harassment.

21 20. Defendant proceeded to ignore Plaintiff's revocation and call her
22 cellular telephone multiple times per day.
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1 21. After Plaintiff's repeated requests to Defendant's representatives to
2 stop the calls were ignored, Plaintiff had no other option but to block calls from
3 Defendant's phone numbers by downloading a blocking application.
4

5 22. Upon information and belief, Defendant conducts business in a
6 manner which violates the Telephone Consumer Protection Act.
7

8
9 **COUNT I**
10 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER**
 PROTECTION ACT

11 23. Plaintiff incorporates the forgoing paragraphs as though the same were
12 set forth at length herein.
13

14 24. Defendant initiated automated calls to Plaintiff using an automatic
15 telephone dialing system.

16 25. Defendant's calls to Plaintiff were not made for emergency purposes.
17

18 26. Defendant's calls to Plaintiff, on and after February 2016, were not
19 made with Plaintiff's prior express consent.

20 27. Defendant's acts as described above were done with malicious,
21 intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights
22 under the law and with the purpose of harassing Plaintiff.
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28

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, KATINA MARTIN, demands a jury trial in this case.

Respectfully submitted,

DATED: August 12, 2016

By: /s/ Amy Lynn Bennecoff Ginsburg
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